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C O N F I D E N T I A L BAGHDAD 003122

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SUBJECT: ELECTION LAW UPDATE: KURDISH DEMANDS NECESSITATE NEW AMENDMENT

REF: BAGHDAD 3117

Classified By: Political Counselor Yuri Kim for Reasons 1.4 (b) and (d)

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¶1. (C) SUMMARY AND COMMENT: Kurdish leaders have yet to provide an official response to the election law compromise proposed by Shia political leader Haydi Al-Amiri and Deputy Prime Minister Rafe Issawi (reftel) on November 28. Initial readouts from Kurdish contacts indicate that the Kurds will try to bargain for four to five more parliamentary seats, a figure well beyond what they would have gotten under with the November 8 amendment or a strict reading of the November 23 amendment -- and beyond the two that Shia and Sunni negotiators appear willing to consider. The three sides are scheduled to meet December 2, but a final agreement may be elusive as the Kurds' negotiator, Fuad Masum, does not yet appear to have plans to travel to Baghdad or, more importantly, a clear negotiating mandate from KRG President Barzani. Issawi and Amiri hope a deal can be reached by Thursday so that the Presidency Council can exercise a "friendly veto" in which the law is returned to parliament with a clear political consensus on how it shall be amended anew. We believe the uncertainty that comes with sending the legislation back to parliament would be mitigated if the three sides endorse a new draft law prior to the veto. All efforts have now turned to pressing the Kurds to provide an official response so that negotiations can proceed. UNAMI is exploring ways to buy more time by preventing December 3, the final date of the ten-day review period for the Presidency Council, from forcing a veto. END SUMMARY AND COMMENT.

¶2. (C) Deputy PM Issawi hosted another session of talks on the election law on the morning of December 1, which included PM Maliki's Spokesman, Ali Dabbagh, Vice President Hasimi's Director-General Krikor Der-Hagopian, and representatives from UNAMI and the Embassy. Issawi and his colleagues were open to responding positively to a rumored Kurdish request for more seats, but were hesitant to suggest a counter-proposal without first receiving a definitive response from Kurdish leaders. Issawi discussed with UNAMI whether there was any room in the pending law to award two more seats to the Kurds as a non-legislative compromise. UNAMI later responded that after speaking with IHEC Chairman Faraj al-Haydari, the Commission was not willing to use regulatory maneuvers to accommodate further political agreements without supporting legislation, thus making a new amendment necessary.

¶3. (C) Concerned about the Thursday deadline for the Presidency Council to act on the amendment, Issawi phoned Kurdistan Alliance bloc leader Fuad Masum and pressed him for a formal response. Masum replied that President Talabani had not yet been fully briefed and that the Kurds planned to meet yet again "either today or tomorrow" to consider their response. Charge later spoke with KRG PM Barham Salih to stress the importance of a quick response from the Kurds and to insist that they send envoys to a meeting scheduled to take place in Baghdad on December 2 between the two Vice Presidents, DPM Issawi, and former PM Ayad Allawi. Salih

responded that an official response was forthcoming, but that the proposal is unacceptable to the Kurds as it represents a reduction in their overall share of COR seats, which the Kurdish public will view as an Arab effort to reduce Kurdish influence in the legislature. Salih told the Charge there would be a Kurdish representative at the December 2 meeting, he acknowledged he may not have full negotiating authority. Salih continued that President Talabani has sent a letter to OSalih continued that President Talabani has sent a letter to KRG President Masud Barzani stating that the Kurds need to establish a unified policy and appoint an official negotiator who would be authorized to make definitive commitments without checking with Erbil. Charge indicated that such an appointment would be a welcome step, but cautioned against a delay which could derail the negotiations and test the current conciliatory mood of Arab leaders.

¶4. (C) Tomorrow's meeting will be a race against the clock as the three sides attempt to reach consensus before Hashimi feels pressured to veto the amendment on Thursday. Issawi suggested that the best scenario would be for all three members of the Presidency Council to veto the amendment in unison and send it back to the COR with a new draft text to which the blocs have agreed in writing. UNAMI is also currently exploring an option with COR Speaker Sammaraie to see if the Federal Supreme Court would quickly issue an advisory opinion stating that the three days of the Eid holiday should be subtracted from the ten day period for vetoing the law. This would give the leaders more time to negotiate and could even lead to the COR adopting a new amendment before the current one must be acted upon.

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